

106TH CONGRESS
2D SESSION

H. R. 5416

To promote economic development and stability in Southeast Europe by providing countries in that region with additional trade benefits.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2000

Mr. HOUGHTON introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To promote economic development and stability in Southeast Europe by providing countries in that region with additional trade benefits.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Southeast Europe
5 Trade Preference Act”.

6 **SEC. 2. FINDINGS AND POLICY.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the economic development and stability of
9 certain countries in Southeast Europe will be en-

1 hanced by providing them with additional trade ben-
2 efits;

3 (2) offering additional trade benefits to South-
4 east Europe is a key component of the Stability
5 Pact, a greater initiative designed to bring stability
6 and economic development to Southeast Europe
7 through regional revitalization, development, democ-
8 ratization, stabilization, and integration, to which
9 the United States and over 40 European and North
10 American countries and institutions committed in
11 Sarajevo in July 1999;

12 (3) providing additional trade benefits to coun-
13 tries of Southeast Europe will improve their access
14 to the United States market, promote the develop-
15 ment of investment in the region, help further these
16 countries' economic development, and promote polit-
17 ical stability in the region; and

18 (4) the promotion of economic and political se-
19 curity in Southeast Europe will enhance the eco-
20 nomic and national security interests of the United
21 States.

22 (b) POLICY.—It is therefore the policy of the United
23 States to offer those Southeast European beneficiary
24 countries additional trade benefits as they attempt to revi-
25 talize and reintegrate their economies following dev-

1 astating conflict in the region with the goal of promoting
2 political and economic security.

3 **SEC. 3. AUTHORITY TO GRANT DUTY-FREE TREATMENT.**

4 The President may proclaim duty-free treatment for
5 all eligible articles from any beneficiary country in accord-
6 ance with the provisions of this Act.

7 **SEC. 4. DEFINITIONS.**

8 As used in this Act:

9 (1) **BENEFICIARY COUNTRY.**—The term “bene-
10 ficiary country” means any country or territory list-
11 ed in section 5(a)(1) with respect to which there is
12 in effect a proclamation by the President designating
13 such country or territory as a beneficiary country for
14 purposes of this Act.

15 (2) **COUNTRY.**—The term “country” means a
16 foreign country or territory.

17 (3) **ENTERED.**—The term “entered” means en-
18 tered, or withdrawn from warehouse for consump-
19 tion, in the customs territory of the United States.

20 (4) **HTS.**—The term “HTS” means Har-
21 monized Tariff Schedule of the United States.

22 (5) **ARTICLE.**—The term “article” means the
23 goods provided for in any individual 8-digit HTS
24 tariff rate line.

1 **SEC. 5. BENEFICIARY COUNTRIES.**

2 (a) COUNTRIES ELIGIBLE FOR DESIGNATION; CON-
3 GRESSIONAL NOTIFICATION.—(1) In designating coun-
4 tries as beneficiary countries under this Act, the President
5 shall consider only the following countries and territories:

6 (A) Albania.

7 (B) Bosnia and Herzegovina.

8 (C) Bulgaria.

9 (D) Croatia.

10 (E) Former Yugoslav Republic of Macedonia.

11 (F) Romania.

12 (G) Slovenia.

13 (H) Kosovo.

14 (I) Montenegro.

15 (2) Before the President designates any country a
16 beneficiary country for purposes of this Act, the President
17 shall notify the House of Representatives and the Senate
18 of the President's intention to make such designation, to-
19 gether with the considerations entering into such decision.

20 (b) LIMITATIONS ON DESIGNATION.—The President
21 shall not designate any country a beneficiary country
22 under this Act—

23 (1) if such country—

24 (A) has nationalized, expropriated, or oth-
25 erwise seized ownership or control of property
26 owned by a United States citizen or by a cor-

poration, partnership, or association which is
50 percent or more beneficially owned by
United States citizens,

(B) has taken steps to repudiate or
nullify—

(i) any existing contract or agreement
with, or

(ii) any patent, trademark, or other
intellectual property of,

a United States citizen or a corporation, part-
nership, or association, which is 50 percent or
more beneficially owned by United States citi-
zens, the effect of which is to nationalize, expro-
prialte, or otherwise seize ownership or control
of property so owned, or

(C) has imposed or enforced taxes or other
exactions, restrictive maintenance, or oper-
ational conditions, or other measures with re-
spect to property so owned, the effect of which
is to nationalize, expropriate, or otherwise seize
ownership or control of such property, unless
the President determines that—

(i) prompt, adequate, and effective com-
pensation has been or is being made to such
citizen, corporation, partnership, or association,

1 (ii) good-faith negotiations to provide
2 prompt, adequate, and effective compensation
3 under the applicable provisions of international
4 law are in progress, or such country is other-
5 wise taking steps to discharge its obligations
6 under international law with respect to such cit-
7 izen, corporation, partnership, or association, or

8 (iii) a dispute involving such citizen, cor-
9 poration, partnership, or association over com-
10 pensation for such a seizure has been submitted
11 to arbitration under the provisions of the Con-
12 vention for the Settlement of Investment Dis-
13 putes, or in another mutually agreed upon
14 forum,

15 and promptly furnishes a copy of such determination
16 to the Senate and the House of Representatives;

17 (2) if such country fails to act in good faith in
18 recognizing as binding or in enforcing arbitral
19 awards in favor of United States citizens or a cor-
20 poration, partnership, or association which is 50 per-
21 cent or more beneficially owned by United States
22 citizens, which have been made by arbitrators ap-
23 pointed for each case or by permanent arbitral bod-
24 ies to which the parties involved have submitted
25 their dispute;

1 (3) if such country affords preferential treat-
2 ment to the products of a developed country, other
3 than the United States, and if such preferential
4 treatment has, or is likely to have, a significant ad-
5 verse effect on United States, commerce;

6 (4) if a government-owned entity in such coun-
7 try engages in the broadcast of copyrighted material,
8 including films or television material, belonging to
9 United States copyright owners without their ex-
10 press consent or such country fails to work toward
11 the provision of adequate and effective protection of
12 intellectual property rights;

13 (5) unless a treaty, convention, protocol, or
14 other agreement regarding the extradition of United
15 States citizens is applicable to such country;

16 (6) if such country has not taken or is not tak-
17 ing steps to afford to workers in that country (in-
18 cluding any designated zone in that country) inter-
19 nationally recognized worker rights, including the
20 right of association, the right to organize and bar-
21 gain collectively, a prohibition on the use of any
22 form of coerced or compulsory labor (including traf-
23 ficking in persons), a minimum age for the employ-
24 ment of children, and acceptable conditions of work

1 with respect to minimum wages, hours of work, and
2 occupational safety and health; or

3 (7) if such country is a member of the Euro-
4 pean Union.

5 Paragraphs (1) through (6) shall not prevent the designa-
6 tion of any country as a beneficiary country under this
7 Act if the President determines that such designation will
8 be in the national economic or security interest of the
9 United States and reports such determination to Congress
10 with the reasons therefor.

11 (c) FACTORS AFFECTING DESIGNATION.—In deter-
12 mining whether to designate any country a beneficiary
13 country under this Act, the President shall take into
14 account—

15 (1) an expression by such country of its desire
16 to be so designated;

17 (2) the economic conditions in such country, the
18 living standards of its inhabitants, and any other
19 factors which the President deems appropriate;

20 (3) the extent to which such country has as-
21 sured the United States it will provide equitable and
22 reasonable access to such country's—

23 (A) basic commodity resources; and

24 (B) markets with respect to the products
25 for which benefits are provided under this Act,

1 and in other relevant product sectors as deter-
2 mined by the President;

3 (4) the degree to which such country follows the
4 accepted rules of international trade provided for
5 under the WTO Agreement and the multilateral
6 trade agreements (as such terms are defined in
7 paragraphs (9) and (4), respectively, of section 2 of
8 the Uruguay Round Agreements Act);

9 (5) the degree to which such country uses ex-
10 port subsidies or imposes export performance re-
11 quirements or local content requirements which dis-
12 tort international trade;

13 (6) the degree to which the trade policies of
14 such country as they relate to other beneficiary
15 countries are contributing to the revitalization of the
16 region;

17 (7) the degree to which such country is under-
18 taking self-help measures to promote its own eco-
19 nomic development;

20 (8) the extent to which such country affords to
21 workers in that country (including any designated
22 zone in that country) internationally recognized
23 worker rights, including the right of association, the
24 right to organize and bargain collectively, a prohibi-
25 tion on the use of any form of coerced or compulsory

1 labor (including trafficking in persons), a minimum
2 age for the employment of children, and acceptable
3 conditions of work with respect to minimum wages,
4 hours of work, and occupational safety and health;

5 (9) the extent to which the country adopts,
6 maintains, and effectively enforces laws providing for
7 high levels of environmental protection;

8 (10) the extent to which such country provides
9 under its law adequate and effective means for for-
10 eign nationals to secure, exercise, and enforce exclu-
11 sive rights in intellectual property, including patent,
12 trademark, and copyright rights;

13 (11) the degree to which such country prohibits
14 its nationals from engaging in the broadcast of copy-
15 righted material, including films or television mate-
16 rial, belonging to United States copyright owners
17 without their express consent;

18 (12) the degree to which the country is taking
19 effective measures to prevent production of, or traf-
20 ficking in, illicit drugs;

21 (13) the degree to which the country provides
22 for effective prohibitions on bribery and other cor-
23 rupt practices affecting international trade;

24 (14) the degree to which the country applies
25 transparent procedures in government procurement

1 and contributes to efforts in international fora to de-
2 velop and implement international rules on trans-
3 parency in government procurement; and

4 (15) the extent to which such country is pre-
5 pared to cooperate with the United States in the ad-
6 ministration of the provisions of this Act.

7 The President may consider that a country is not pro-
8 viding adequate and effective protection of intellectual
9 property rights under paragraph (10), even if the country
10 is in compliance with the country's obligations under the
11 Agreement on Trade-Related Aspects of Intellectual Prop-
12 erty Rights described in section 101(d)(15) of the Uru-
13 guay Round Agreements Act (19 U.S.C. 3511(d)(15)).

14 (d) WITHDRAWAL OR SUSPENSION OF DESIGNA-
15 TION.—(1) The President may—

16 (A) withdraw or suspend the designation of any
17 country as a beneficiary country, or

18 (B) withdraw, suspend, modify, or limit the ap-
19 plication of preferential treatment under this Act to
20 any article of any country,

21 if, after such designation, the President determines that
22 such action is appropriate based on the limitations in sub-
23 section (b) or on the factors in subsection (c).

24 (2)(A) The United States Trade Representative shall
25 publish in the Federal Register notice of the action the

1 President proposes to take under paragraph (1) at least
2 30 days before taking such action.

3 (B) The United States Trade Representative shall,
4 within the 30-day period beginning on the date on which
5 the United States Trade Representative publishes under
6 subparagraph (A) notice of proposed action—

7 (i) accept written comments from the public re-
8 garding such proposed action;

9 (ii) hold a public hearing on such proposed ac-
10 tion; and

11 (iii) publish in the Federal Register—

12 (I) notice of the time and place of such
13 hearing prior to the hearing; and

14 (II) the time and place at which such writ-
15 ten comments will be accepted.

16 (3) In the event the President withdraws, suspends,
17 modifies, or limits the application of duty-free treatment
18 accorded to a country under the Generalized System of
19 Preferences based on one or more of the eligibility criteria
20 in section 501 of the Trade Act of 1974 (19 U.S.C. 2462)
21 that are the same or similar to one or more of the eligi-
22 bility criteria set forth in this section, the President shall
23 likewise withdraw, suspend, modify, or limit the applica-
24 tion of preferential treatment accorded to that country
25 under this Act.

1 (e) REPORT.—Not later than February 1, 2003, the
2 President shall submit to Congress a complete report re-
3 garding the operation of this Act, including the results of
4 a general review of beneficiary countries based on the con-
5 siderations described in subsections (b) and (c).

6 (f) KOSOVO AND MONTENEGRO.—Kosovo and Monte-
7 negro may be designated as beneficiary countries notwith-
8 standing the provisions of Public Law 102–420 (19 U.S.C.
9 2432 note), concerning the withdrawal of nondiscrim-
10 inatory treatment of goods that are the product of Serbia
11 or Montenegro, or any other law.

12 (g) FEDERAL REPUBLIC OF YUGOSLAVIA.—Notwith-
13 standing the limitation in subsection (a)(1), the Federal
14 Republic of Yugoslavia may be considered eligible for des-
15 ignation as a beneficiary country under this Act if the
16 President determines that relevant authorities in the Gov-
17 ernment of the Federal Republic of Yugoslavia and the
18 Government of the Republic of Serbia have made signifi-
19 cant progress in meeting the following objectives:

20 (1) Participation in a political process designed
21 to determine Kosovo’s future status, taking into ac-
22 count the Rambouillet accords.

23 (2) Compliance with the General Framework
24 Agreement for Peace in Bosnia and Herzegovina.

1 (3) Implementation of internal democratic re-
2 form.

3 (4) Cooperation on all succession issues with
4 the other republics that emerged from the dissolu-
5 tion of the Socialist Federal Republic of Yugoslavia.

6 (5) Cooperation with the International Criminal
7 Tribunal for the Former Yugoslavia, including
8 transfer of all indicted war criminals in the Federal
9 Republic of Yugoslavia to The Hague.

10 (6) Peaceful and democratic resolution of dif-
11 ferences between its constituent republics, Serbia
12 and Montenegro, over the structure of shared gov-
13 ernmental institutions.

14 **SEC. 6. ELIGIBLE ARTICLES.**

15 (a) IN GENERAL.—(1) Unless otherwise excluded
16 from eligibility by this Act, the duty-free treatment pro-
17 vided under this Act shall apply to any article which is
18 the growth, product, or manufacture of a beneficiary coun-
19 try if—

20 (A) that article is imported directly from a ben-
21 eficiary country into the customs territory of the
22 United States; and

23 (B) the sum of—

1 (i) the cost or value of the materials pro-
2 duced in a beneficiary country or 2 or more
3 beneficiary countries under this Act, plus

4 (ii) the direct costs of processing oper-
5 ations performed in a beneficiary country or
6 countries,

7 is not less than 35 percent of the appraised value of
8 such article at the time it is entered.

9 If the cost or value of materials produced in the customs
10 territory of the United States is included with respect to
11 an article to which this paragraph applies, an amount not
12 to exceed 15 percent of the appraised value of the article
13 at the time it is entered that is attributed to such United
14 States cost or value may be applied toward determining
15 the percentage referred to in subparagraph (B).

16 (2) The Secretary of the Treasury shall prescribe
17 such regulations as may be necessary to carry out sub-
18 section (a), including, but not limited to, regulations pro-
19 viding that, in order to be eligible for duty-free treatment
20 under this Act, an article must be wholly the growth, prod-
21 uct, or manufacture of a beneficiary country, or must be
22 a new or different article of commerce which has been
23 grown, produced, or manufactured in the beneficiary coun-
24 try; but no article or material of a beneficiary country

1 shall be eligible for such treatment by virtue of having
2 merely undergone—

3 (A) simple combining or packaging operations,
4 or

5 (B) mere dilution with water or mere dilution
6 with another substance that does not materially alter
7 the characteristics of the article.

8 (3)(A) As used in this subsection, the term “direct
9 costs of processing operations” includes, but is not limited
10 to—

11 (i) all actual labor costs involved in the growth,
12 production, manufacture, or assembly of the specific
13 merchandise, including fringe benefits, on-the-job
14 training, and the cost of engineering, supervisory,
15 quality control, and similar personnel; and

16 (ii) dies, molds, tooling, and depreciation on
17 machinery and equipment which are allocable to the
18 specific merchandise.

19 (B) The term “direct costs of processing operations”
20 does not include costs which are not directly attributable
21 to the merchandise concerned or are not costs of manufac-
22 turing the product, such as—

23 (i) profit; and

24 (ii) general expenses of doing business which
25 are either not allocable to the specific merchandise

1 or are not related to the growth, production, manu-
2 facture, or assembly of the merchandise, such as ad-
3 ministrative salaries, casualty and liability insurance,
4 advertising, interest, and salesperson's salaries, com-
5 missions, or expenses.

6 (b) EXCEPTION TO DUTY-FREE TREATMENT.—The
7 duty-free treatment provided under this Act shall not
8 apply to textile and apparel articles which are not eligible
9 for duty-free treatment under section 503(b)(1)(A) of the
10 Trade Act of 1974 (19 U.S.C. 2463(b)(1)(A)).

11 (c) SUSPENSION OF DUTY-FREE TREATMENT.—(1)
12 The President may by proclamation suspend the duty-free
13 treatment provided by this Act with respect to any eligible
14 article and may proclaim a duty rate for such article if
15 such action is proclaimed under chapter 1 of title II of
16 the Trade Act of 1974 or section 232 of the Trade Expans-
17 sion Act of 1962.

18 (2) In any report by the United States International
19 Trade Commission to the President under section 202(f)
20 of the Trade Act of 1974 regarding any article for which
21 duty-free treatment has been proclaimed by the President
22 pursuant to this Act, the Commission shall state whether
23 and to what extent its findings and recommendations
24 apply to such article when imported from beneficiary coun-
25 tries.

1 (3) For purposes of section 203 of the Trade Act of
2 1974, the suspension of duty-free treatment provided by
3 this Act shall be treated as an increase in duty.

4 (4) No proclamation providing solely for a suspension
5 referred to in paragraph (3) of this subsection with respect
6 to any articles shall be taken under section 203 of the
7 Trade Act of 1974 unless the United States International
8 Trade Commission, in addition to making an affirmative
9 determination with respect to such article under section
10 202(b) of the Trade Act of 1974, determines in the course
11 of its investigation under such section that the serious in-
12 jury (or threat thereof) substantially caused by imports
13 to the domestic industry producing a like or directly com-
14 petitive article results from the duty-free treatment pro-
15 vided by this Act.

16 (5)(A) Any action taken under section 203 of the
17 Trade Act of 1974 that is in effect when duty-free treat-
18 ment is proclaimed under section 3 of this Act shall re-
19 main in effect until modified or terminated.

20 (B) If any article is subject to any such action at
21 the time duty-free treatment is proclaimed under section
22 3 of this Act, the President may reduce or terminate the
23 application of such action to the importation of such arti-
24 cle from beneficiary countries prior to the otherwise sched-
25 uled date on which such reduction or termination would

1 occur pursuant to the criteria and procedures of section
2 204 of the Trade Act of 1974.

3 (d) EMERGENCY RELIEF WITH RESPECT TO PER-
4 ISHABLE PRODUCTS.—(1) If a petition is filed with the
5 United States International Trade Commission pursuant
6 to the provisions of section 201 of the Trade Act of 1974
7 regarding a perishable product and alleging injury from
8 imports from beneficiary countries, then the petition may
9 also be filed with the Secretary of Agriculture with a re-
10 quest that emergency relief be granted pursuant to para-
11 graph (3) of this subsection with respect to such article.

12 (2) Within 14 days after the filing of a petition under
13 paragraph (1)—

14 (A) if the Secretary of Agriculture has reason
15 to believe that a perishable product from a bene-
16 ficiary country is being imported into the United
17 States in such increased quantities as to be a sub-
18 stantial cause of serious injury, or the threat there-
19 of, to the domestic industry producing a perishable
20 product like or directly competitive with the im-
21 ported product and that emergency action is war-
22 ranted, the Secretary shall advise the President and
23 recommend that the President take emergency ac-
24 tion; or

1 (B) the Secretary of Agriculture shall publish a
2 notice of the Secretary's determination not to rec-
3 ommend the imposition of emergency action and so
4 advise the petitioner.

5 (3) Within 7 days after the President receives a rec-
6 ommendation from the Secretary of Agriculture to take
7 emergency action pursuant to paragraph (2), the Presi-
8 dent shall issue a proclamation withdrawing the duty-free
9 treatment provided by this Act or publish a notice of the
10 President's determination not to take emergency action.

11 (4) The emergency action provided by paragraph (3)
12 shall cease to apply—

13 (A) upon the taking of action under section 203
14 of the Trade Act of 1974,

15 (B) on the day that a determination by the
16 President not to take action under section 203(b)(2)
17 of such Act becomes final,

18 (C) in the event of a report of the United
19 States International Trade Commission containing a
20 negative finding, on the day that the Commission's
21 report is submitted to the President, or

22 (D) whenever the President determines that be-
23 cause of changed circumstances such relief is no
24 longer warranted.

1 (5) For purposes of this subsection, the term “perish-
2 able product” means—

3 (A) live plants and fresh cut flowers provided
4 for in chapter 6 of the HTS;

5 (B) fresh or chilled vegetables provided for in
6 headings 0701 through 0709 (except subheading
7 0709.52.00) and heading 0714 of the HTS;

8 (C) fresh fruit provided for in subheadings
9 0804.20 through 0810.90 (except citrons of sub-
10 headings 0805.90.00, tamarinds of subheading
11 0810.90.25, and kiwi fruit of subheading
12 0810.50.00, and cashew apples, mameyes colorados,
13 sapodillas, soursops, and sweetsops of subheading
14 0810.90.40) of the HTS; and

15 (D) concentrated citrus fruit juice provided for
16 in subheadings 2009.11.00, 2009.19.40, 2009.20.40,
17 2009.30.20, and 2009.30.60 of the HTS.

18 (e) SECTION 22 FEES.—No proclamation issued pur-
19 suant to this Act shall affect fees imposed pursuant to
20 section 22 of the Agricultural Adjustment Act of 1933 (7
21 U.S.C. 624).

22 (f) TARIFF-RATE QUOTAS.—No quantity of an agri-
23 cultural product subject to a tariff-rate quota that exceeds
24 the in-quota quantity shall be eligible for duty-free treat-
25 ment under this Act.

1 **SEC. 7. RELATED AMENDMENTS.**

2 (a) INCREASE IN DUTY-FREE TOURIST ALLOW-
3 ANCE.—Note 4 to subchapter IV of chapter 98 of the HTS
4 is amended by inserting before the final period the phrase
5 “, or a country designated as a beneficiary country under
6 the Southeast Europe Trade Preference Act”.

7 (b) TREATMENT OF INSULAR POSSESSIONS PROD-
8 UCTS.—General note 3(a)(iv) of the HTS (relating to
9 products of the insular possessions) is amended by redes-
10 ignating subdivision (F) as subdivision (G), and by insert-
11 ing after subdivision (E) the following:

12 “(F) Subject to the provisions in section 5
13 of the Southeast Europe Trade Preference Act,
14 goods which are imported from the insular pos-
15 sessions of the United States shall receive duty
16 treatment no less favorable than the treatment
17 afforded such goods when they are imported
18 from a beneficiary country under that Act.”.

19 (c) SECTION 301.—Section 301(c) of the Trade Act
20 of 1974 (19 U.S.C. 2411) is amended in paragraph (1)(C)
21 by striking “or” after “(19 U.S.C. 2702 (b) and (c))” and
22 inserting “or section 5 (b) and (c) of the Southeast Eu-
23 rope Trade Preference Act,” after “19 U.S.C. 3202 (b)
24 and (c)),”.

1 **SEC. 8. INTERNATIONAL TRADE COMMISSION REPORT ON**
2 **IMPACT OF THE SOUTHEAST EUROPE TRADE**
3 **PREFERENCE ACT.**

4 (a) REPORTING REQUIREMENT.—(1) No later than
5 October 1, 2002, the United States International Trade
6 Commission (referred to in this section as the “Commis-
7 sion”) shall submit to Congress and the President a report
8 regarding the economic impact of this Act on United
9 States industries and consumers, and, in conjunction with
10 other agencies, the effectiveness of this Act in promoting
11 regional reconstruction.

12 (2) For purposes of this section, industries in the
13 Commonwealth of Puerto Rico and the insular possessions
14 of the United States are considered to be United States
15 industries.

16 (b) REQUIREMENTS FOR REPORT.—(1) The report
17 required under subsection (a) shall include, but not be lim-
18 ited to, an assessment by the Commission regarding—

19 (A) the actual effect, during the period covered
20 by the report, of this Act on the United States econ-
21 omy generally as well as on those specific domestic
22 industries which produce articles that are like, or di-
23 rectly competitive with, articles being imported into
24 the United States from beneficiary countries; and

25 (B) the probable future effect that this Act will
26 have on the United States economy generally, as well

1 as on such domestic industries, before the provisions
2 of this Act terminate.

3 (2) In preparing the assessments required under
4 paragraph (1), the Commission shall, to the extent
5 practicable—

6 (A) analyze the production, trade, and con-
7 sumption of United States products affected by this
8 Act, taking into consideration employment, profit
9 levels, and use of productive facilities with respect to
10 the domestic industries concerned, and such other
11 economic factors in such industries as it considers
12 relevant, including prices, wages, sales, inventories,
13 patterns of demand, capital investment, obsolescence
14 of equipment, and diversification of production; and

15 (B) describe the nature and extent of any sig-
16 nificant change in employment, profit levels, and use
17 of productive facilities, and such other conditions as
18 it deems relevant in the domestic industries con-
19 cerned, which it believes are attributable to this Act.

20 (c) SUBMISSION DATES; PUBLIC COMMENT.—The
21 Commission shall provide an opportunity for the submis-
22 sion by the public, either orally or in writing, or both, of
23 information relating to matters that will be addressed in
24 the report.

1 **SEC. 9. IMPACT STUDY BY THE SECRETARY OF LABOR.**

2 (a) The Secretary of Labor, in consultation with
3 other appropriate Federal agencies, shall undertake a con-
4 tinuing review and analysis of the impact that the imple-
5 mentation of the provisions of this Act has with respect
6 to United States labor, shall review developments in labor
7 conditions in the beneficiary countries, and, no later than
8 October 1, 2002, shall make a report to Congress on the
9 results of such review and analysis.

10 (b) For purposes of this section, industries in the
11 Commonwealth of Puerto Rico and the insular possessions
12 of the United States are considered to be United States
13 industries.

14 **SEC. 10. EFFECTIVE DATE AND TERMINATION OF DUTY-**
15 **FREE TREATMENT.**

16 (a) **EFFECTIVE DATE.**—This Act shall take effect on
17 the date of enactment of this Act.

18 (b) **TERMINATION OF DUTY-FREE TREATMENT.**—
19 Duty-free treatment extended to beneficiary countries
20 under this Act shall terminate on the date that is 5 years
21 after the date of enactment of this Act.

○